

REMARKS

The Office Action dated February 8, 2005 has been read and carefully considered and the present amendment submitted to amend the claim language in accordance with the suggestions by the Examiner and to point out the distinctions between the claimed invention and the cited references.

In that Office Action, claims 3 and 5 were rejected based upon 35 U.S.C. 112, second paragraph, as being indefinite and, in each instance, the Examiner has provided helpful suggestions as to rectifying the matter. Applicant has made the changes to the claim dependency in accordance with those suggestions and, therefore, it is believed that the Section 112 rejection has been overcome.

Claims 1, 4 and 7-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Finny, U.S. Patent 6,413,210 in view of Chang, U.S. Patent 4,101,957 and further in view of Scholz, U.S. Patent 5,820,253. Claims 2-3, and 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Finny, or Chang or Scholz as applied to claim 1 and further in view of Mendeski, U.S. Patent 4,646,214.

Accordingly, the principal reference cited in the rejection of claims 1, 4 and 7-20 is the Finny reference, however, it is submitted that, if anything, the Finny reference teaches away from the present invention. In Finny, there is a light located in an overhead support structure, however, that light is fixed in its location within the overhead support and there is no hint or suggestion of having a light that is movable, far less movable omnidirectionally.

As stated in the Finny reference, the problem is created that the light inevitably is directed toward the infant when positioned on the support and the light hitting the infant's eyes adds an unnecessary stimulus to the infant. Finny's solution, however, is not to make the light movable so that the caregiver can swivel the light away from the eyes of the infant, but to provide a light shield that protects the infant's eyes by blocking the light transmitted from the fixed light source toward the infant.

Thus Finny does not even consider the alternative that has been invented by the Applicant to solve the problem of a light that shines in the infant 's eyes, i.e. make the light movable so that it can be directed to a specific location on the infant away from the eyes (unless the eyes are being examined and the light needed in that area of the infant). As can be seen, Finny's approach places the light shield over the upper torso of the infant and makes that area inaccessible to the caregiver and which is a disadvantage where one of the desirable features of an infant warmer is the full access to the infant to carry out interventions and the like. As such, Finny's solution to the problem is not only totally different than Applicant's solution but raises other problems of access to the infant that do not arise with the use of Applicant's invention.

Accordingly, there not only is no suggestion in Finny to make the light movable but if one were to utilize one of the secondary references to modify the fixed light fixture of Finny to make it movable, such a modification would seem to obviate and render useless the very invention of Finny i.e. that of a light shield.

Thus, it is therefore submitted that the Finny reference fails as a primary reference and therefore the rejection of claim 1, 4 and 7-20 not substantiated, but even the secondary references do not appear to have any relevance to the present invention. The Chang reference was cited as having an omnidirectional movement so as to be combined with the Finny reference, however, it is submitted that there is no such directional movement in Chang which seems to be focusable by a fixed and a moving lens system, however, nowhere is it seen that the direction of the light emanating from the Chang device can be altered. To the contrary, Chang can change its focus by the lens system to enlarge or reduce the size of the beam of light striking an object but the light is aimed along the same fixed direction. It is, therefore submitted that the Chang reference is not at all relevant to the present invention.

Finally, the Scholz patent was cited for its disclosure of a light having a handle to adjust the light direction, however, the disclosure does not show the use of a recessed light within an overhead housing where the light, and not the housing is directionally adjustable by means of a handle. Instead, Scholz utilizes a handle to adjust the direction of the entire light housing, something that again, is not an object of the present invention where the

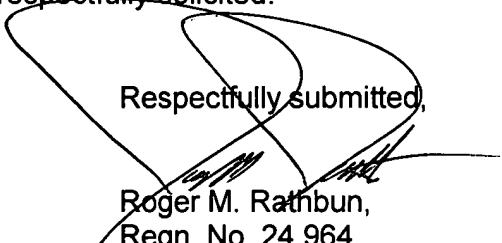
housing itself is fixed and is not movable since it also houses the radiant warmer vertically spaced above an infant.

As such, three separate references have been combined together but none of the references is relevant to the present invention. There is no suggestion to combine the references and, in fact, if such a combination were even somehow possible, the ultimate construction would negate the very purpose of the principal reference.

It is, therefore, submitted that the claims in the present application are in allowable form and an allowance of the present application is respectfully solicited.

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Respectfully submitted,



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